

Short Barreled Rifle FAQ

Written by: www.Quarterbore.com

What is the Definition of a Short Barreled Rifle

A short barreled rifle is defined in the US Code, Title 18, Part I, Chapter, Sec. 921. as follows...

(8) The term "short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

Also Note! The 1994 Crime bill applies to Short Barreled Rifles the same as it would to any semiautomatic rifle. You can see the crime bill regulations here:

quarterbore.com/library/law/crimebill.html. If you are registering a Pre-Ban AR-15 as a Short barreled Rifle then the weapon will retain its pre-ban status ([ref p1](#) and [ref p2](#)) but a POST-BAN rifle must remain in compliance with the crime bill regulation.

Who can build one of these?

The first thing that you need to do is evaluate your state and local laws. Following is a table that can be used as a reference but I can't confirm the accuracy as I am not associated with this table in any way (See: www.full-auto.com/library_states.htm). You can confirm your local and state laws by calling a local Law Enforcement agency in your area and ask if NFA registered Short Barreled Rifles are legal in your jurisdiction.

After you determine that the weapon is legal in your area, you then need to be eligible to own any weapon as defined in the USC here www4.law.cornell.edu/uscode/18/922.html

How do I build one of these Short Barreled Rifles Legally?

Where forms do I need and where do I get them?

To build ANY SBR, all you need to obtain the Form 1s "Application to Make and Register a Firearm" (need 2 forms), fingerprint cards (need 2), and citizenship form (I submitted 2 but 1 may do?). You can get the forms from the BATFE at the numbers listed here: www.titleii.com/atfphone.htm) or use online forms at www.titleii.com. As an example, you can find the Form 1 at www.titleii.com and it is linked here: www.titleii.com/pdf/NewF1.pdf and citizenship form at titleii.com/pdf/5330-20.pdf.

I use online forms for everything but the fingerprint cards. When printing your own forms, it's best to print both sides on ONE SHEET of paper. There have been rejections lately due to 2 single sided forms being taped or glued together.

How do I fill out the forms?

Note: Before proceeding, I suggest you print a copy of the Form 1 www.titleii.com/pdf/NewF1.pdf and use the Form and the directions on the last two pages of the linked form as a guide.

After you have the forms, you need to fill out the Form 1 in duplicate. When you fill out the Form 1, YOU ARE THE APPLICANT so your proper name and address goes in BOX-3B. If you use a "PO Box" in 3B, you need to supply a proper street address in the Box 3C or specific directions to the residence must be included. In BOX-4a, the proper MANUFACTURER info is the original maker of the existing firearm/serial # -- Bushmaster, Colt, HK, IMI, Olympic, and so forth. Adopt the serial number as it appears on the weapon you are using to build your SBR.

Where it lists caliber, I would list all you may want to use (within reason i.e. 22, 9mm, 223, 7.62x29 as there is no real requirement currently to list all calibers as with the AR-15, that would be insane). For "barrel length" and "overall length" on the Form 1, people have used "less than 16 inches" or "7-15 inches" to allow their SBR paperwork to allow as many options as possible.

Next, you need to get two passport photos or other 2-inch by 2-inch photographs of yourself taken within the past year (proofs, group photographs or photocopies are unacceptable). Attach the photos to your Form 1. If you are computer savvy you can try SBR7_11's method in the footnotes.

Last, fill out the citizenship form and you are ready to go.

My Forms are filled out, now what?

After the forms are filled out, take these to your local Chief Law Enforcement Agent (CLEO) to get a signature. While at the CLEO's workplace, get yourself fingerprinted on FBI Form FD-258 fingerprint Cards.

What do I sent the BATFE?

After the Form 1 is completed with passport photos attached on each copy of the form, and the Form 1 is signed by your local CLEO, and you have your completed fingerprint cards and citizenship form, you are ready to send the forms and documents to the BATFE for approval.

If state or local law requires a prior permit or license to purchase, possess, or receive NFA firearms, a copy of your permit or license must accompany the application. A check or money order for \$200 shall be made payable to ATF by yourself. All signatures on both copies must be in ink. Submit fingerprints on FBI Form FD-258, in duplicate. Fingerprints must be taken by a person qualified to do so, and must be clear and classifiable. If wear or damage to your fingertips do not allow clear prints, and if the prints are taken by a law enforcement official, a statement on his or her official letterhead giving the reason why good prints are unobtainable should accompany the fingerprints.

Again see Titleii.com for more details on where to send the forms.

The LONG wait begins.

The approval process may take a LONG time but as long as you live in an area where it is legal to own these weapons and you do not have a criminal record or other reasons that make you ineligible to own a SBR, you will be approved. During your wait you can call the NFA Branch at 202-927-8330 to inquire about the status of your paperwork. The BATFE will need the serial number of the weapon and your name and they will only be able to tell you if the application is pending or approved. I do not suggest bothering the BATFE with numerous calls as you may irritate an examiner, which in turn may delay your approval! I normally call about a month after I submit my forms to make sure the application was received and then wait for the approved form to come in the mail which can take 6-months or even a year or more or so I have heard!

If the application is approved, one of the two original forms will be returned via the mail with a cancelled NFA stamp affixed showing approval. Following is a photo of a \$200 NFA Tax stamp which was cancelled with the addition of "102412" which is the serial number of the weapon that was registered and the examiner's initials.



If for some reason you were not approved the \$200 tax payment will be refunded.

What do I do after I get my approved Form 1 back?

The very first thing I would do when you receive your approved Form 1 is to make quite a few photocopies of the form and secure the original as you would your important papers. When you carry your SBR you will need to have a copy of the form with you to serve as proof that your weapon is legal. Personally, I like to make a few full-sized copies that I keep in the glove box of my truck plus I like to make a few 50% copies that I laminate and stick in my gun cases, range bags, safe, and anywhere else I may have the weapon. I then keep the original Forms in a safety deposit box.

After you obtain your approved Form 1 from the BATFE, you will then need to mark your lower. Specific guidance for the requirements for marking your receiver can be found here www.atf.gov/pub/qtrly_bulletins/vol3_qb2001/subpartc.pdf. The markings NEED to be visible and NOT HIDDEN according to what I have read lately (THIS IS A NEW REQUIREMENT as many people used to engrave this on the stub where the pistol grip mounts so it didn't show...) make sure you do it correctly. As far as doing the engraving, one of the best places to get a clean engraving is to take your lower receiver to one of the Mall engraving stores but obviously you will not want to take a complete gun and it wouldn't be wise to leave your rifle (lower) with a teenage attendant while you go shopping!

Lastly, after the lower is engraved and you have the approved Form 1 you can at long last obtain the necessary parts to build your SBR and put her together.



Updates to this FAQ:

9-Jan-2004 14:30 EST Updated to include suggestions from Hail Mary of AR15.com

9-Jan-2003 15:00 EST Updated w/ info from www.atf.gov/firearms/faq/faq2.htm

10-Jan-2004 8:15 EST Updated to include link to Markings regs www.atf.gov/pub/qtrly_bulletins/vol3_qb2001/subpartc.pdf as faldoc of AR15.com helped me find. Also added definition of SBR, link to state list, and provided guidance to how to determine if legal in your area and state.

10-Jan-2004 16:40 Updated to include SBR7_11 's of AR15.com suggestions (less the sophisticated method to get 2x2 prints on form which is listed below)

If you computer savvy, you can print your own pictures in the pic box. Danbrew says that if you have a certain edition of ADOBE, you can simply remove the "Attach pic here" text, and insert the pic, and print all at once. SBR7_11 indicates that he has printed his pics directly on the form through the following process. He first prints a test print of the Form 1 and finds where it prints "attach pic here". He then uses a piece of Scotch tape to cover where that text would be printed on a fresh piece of paper and print your forms. After printing, peel off the scotch tape with the words on it to have a clean photograph box. Set up your computer to print color pictures in the proper location. SBR7_11 indicates, "I have a 2x2 pic that I inserted into "WORD", located it, saved it to disc. I can simply put the form into the printer, and print my pic from the disc, ATF accepted it."



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

OCT 20 2000

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3311/0-870

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. [REDACTED]

This refers to your letter of September 8, 2000, in which you ask about assembling a short barreled AR-15 style rifle using a "pre-ban" Colt SP-1 AR-15 style lower receiver.

A rifle having a barrel less than 16 inches in length is a "firearm" as defined in section 5845(a)(3), of the National Firearms Act (26 U.S.C. Chapter 53). In order for you to make an NFA "firearm" as defined, you must submit an application to make and register a firearm, pay \$200 "making" tax, and receive approval of your application. Approval cannot be granted if your possession of the firearm would be prohibited under Federal or State law.

As defined in section 921(a)(30), of Title 18, United States Code (U.S.C.), the term "semiautomatic assault weapon" includes certain named weapons and semiautomatic firearms having certain physical characteristics. However, a firearm receiver without other qualifying features, is not a semiautomatic assault weapon.

Title 18 U.S.C. § 922(v)(1), provides that it is unlawful for anyone to manufacture, transfer, or possess a semiautomatic assault weapon; however, a semiautomatic assault weapon that was lawfully possessed on the date of enactment of the subsection [September 13, 1994], may still be lawfully possessed and transferred.

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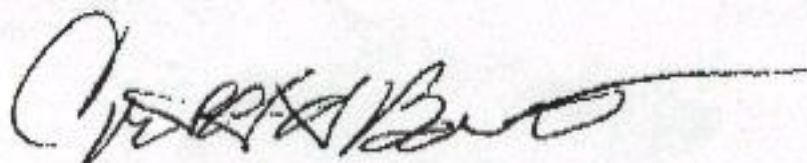
Mr. [REDACTED]

An AR-15 rifle which qualified as a semiautomatic assault weapon on September 13, 1994, is excluded from the prohibition in section 922(v)(1). If a barrel less than 16 inches in length were installed on such a rifle in compliance with the provisions of the NFA, and the rifle still met the definition of a semiautomatic assault weapon, it would still be excluded from the prohibition in section 922(v)(2).

An AR-15 receiver which was possessed on September 13, 1994, without the qualifying features and which was then assembled into a semiautomatic assault weapon after September 13, 1994, would be subject to the prohibition in section 922(v)(1), regardless of the barrel length.

We trust that the foregoing has been responsive to your inquiry.

Sincerely yours,



Curtis H.A. Bartlett
Acting Chief, Firearms Technology Branch